

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**KIMBERLY PEETE CHARLESTON**

**PLAINTIFF**

**V.**

**NO. 3:14CV00102-JMV**

**COMMISSIONER OF SOCIAL SECURITY**

**DEFENDANT**

**ORDER AWARDING ATTORNEY'S FEES**

Before the court is the claimant's petition [21] for payment of attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. In these proceedings, the claimant sought judicial review of the final decision of the Commissioner of Social Security, denying a claim for benefits. By Judgment [20] dated January 26, 2015, the court remanded this case to the Commissioner for further proceedings. The claimant now seeks attorney's fees and expenses under the EAJA on the grounds that she was the prevailing party and the Commissioner's position was not "substantially justified." By the motion and attached exhibits, the claimant requests an award of \$4,357.50 in attorney's fees and expenses totaling \$54.05. The Commissioner does not oppose the claimant's request for attorney's fees and expenses but maintains that the EAJA award must be made payable to the claimant, not her attorney.

The court has considered the claimant's motion and supporting documentation and the record of this case and finds that the request for fees and expenses is reasonable. Accordingly, the only issue remaining is whether the award should be paid to the claimant or to her attorney.

In *Astrue v. Ratliff*, 130 S.Ct. 2521, 2528-29 (2010), the Supreme Court held that EAJA fees are payable to litigants. *Ratliff*, 130 S.Ct. at 2528.<sup>1</sup> Therefore, based on this authority and because the claimant offered no reply to the Commissioner's objections, the court finds it is appropriate to direct that payment be made to the claimant.

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<sup>1</sup>The result is that attorney fees awards are subject to offset where the claimant has outstanding federal debts. *Ratliff*, 130 S.Ct. at 2528.

**THEREFORE, IT IS ORDERED** that the claimant's motion for payment of attorney's fees and expenses under the EAJA is hereby **GRANTED**, and the Commissioner shall pay the claimant \$4,411.55 for the benefit of her attorney.

**THIS**, the 19<sup>th</sup> day of February, 2015.

/s/ Jane M. Virden  
**U. S. MAGISTRATE JUDGE**